

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Christopher Patterson,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	
)	
Mighty Muffler Shop, Inc. and)	
Mighty Muffler of Candler)	
Road, Inc.)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Defendants Mighty Muffler Shop, Inc. and Mighty Muffler of Candler Road, Inc., ("Defendants"), by counsel and pursuant to 28 U.S.C. § 1441, respectfully remove this case to the United States District Court for the Northern District of Georgia. The grounds for removal are:

1. On April 20, 2010, a civil action was filed against Defendants in the Superior Court of DeKalb County, State of Georgia entitled Christopher Patterson v. Mighty Muffler Shop, Inc. and Mighty Muffler of Candler Road, Inc., Civ. Action 10-CV-5299-3.

2. True and correct copies of all process, pleadings, discovery and orders served upon Defendants are attached hereto as the following exhibits: Exhibit A -Summons; Exhibit B -Unsigned Complaint; Exhibit C- Sheriff's Entry of Service.

3. Plaintiff's Summons and unsigned Complaint were served upon Defendants on June 25, 2010. Other than the June 25th service of process, no proceedings have been had in this matter.

4. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal is filed within 30 days of the first day Defendants received a copy of the initial pleading setting forth a claim for relief.

5. This Notice of Removal is timely under the provisions of 28 U.S.C. § 1446(b).

6. This action is within the original jurisdiction of the United States District Court pursuant to 28 U.S.C. § 1331, as the entire Complaint alleges violations under 42 U.S.C. § 2000(e) *et seq.*

7. This case may be properly removed to this Court by Defendants pursuant to 28 U.S.C. § 1441, in that it is a civil action in which the matter concerns a federal question.

8. At the time of filing this Notice of Removal, Defendants have also filed a true and correct copy of this Notice of Removal with the Clerk of the Superior Court of DeKalb County, State of Georgia, and have served same upon Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that the above-described action pending in the Superior Court of DeKalb County, State of Georgia be removed therefrom to the United States District Court for the Northern District of Georgia, Atlanta Division.

Dated this 14th day of July, 2010.

Respectfully submitted,

/s/Debra Schwartz

Debra E. Schwartz

Georgia Bar No. 631035

Law Offices of Debra E. Schwartz, LLC
945 E. Paces Ferry Road, Suite 1770
Atlanta, GA 30326
404-842-7262(p) 404-842-7277(fax)
des@gaemploymentlawyers.com

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Christopher Patterson,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	
Mighty Muffler Shop, Inc and)	
Mighty Muffler of Candler)	
Road, Inc.)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I certify that on this 14th day of July, 2010, a true and correct copy of the foregoing NOTICE OF REMOVAL was served on opposing counsel by United States First Class Mail, postage prepaid, addressed as follows:

E. Adam Webb & G. Franklin Lemond, Jr.
Webb, Klase & Lemond, LLC.
1900 The Exchange Suite 480
Atlanta, Georgia 30339

Dated this 14th day of July, 2010.

/s/Debra Schwartz
Debra E. Schwartz
Georgia Bar No. 631035

Law Offices of Debra E. Schwartz, LLC
945 E. Paces Ferry Road, Suite 1770
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IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

Christopher Patterson,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.10-CV-5299-3
v.)	
)	
Mighty Muffler Shop, Inc and)	
Mighty Muffler of Candler)	
Road, Inc.)	
)	
Defendant.)	
)	
_____)	

NOTICE OF REMOVAL TO FEDERAL COURT

TO:
Clerk of the Court
Superior Court of DeKalb County
556 North McDonough Street, Ground Floor
Decatur, Georgia 30030

PLEASE TAKE NOTICE that Defendants have removed this action from the Superior Court of DeKalb County, State of Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division. A true and accurate copy of the NOTICE OF REMOVAL served upon Plaintiff and filed with

the federal court is attached hereto. *Please take further notice* that pursuant to 28 U.S.C. § 1446, the filing of the aforesaid NOTICE OF REMOVAL in the District Court, together with the filing of this Notice with this Court, effects the removal of this action, and Defendants request that this Court take no further action in this case unless it is remanded from federal court.

Dated this 14th day of July, 2010.

Respectfully submitted,

/s/Debra Schwartz

Debra E. Schwartz

Georgia Bar No. 631035

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Atlanta, Georgia 30326
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www.GAemploymentlawyers.com

CERTIFICATE OF SERVICE

This is to certify that I have served this **NOTICE OF REMOVAL TO
FEDERAL COURT** upon the following person by United States First Class Mail:

E. Adam Webb & G. Franklin Lemond, Jr.
Webb, Klase & Lemond, LLC.
1900 The Exchange Suite 480
Atlanta, Georgia 30339

This 14th day of July, 2010.

/s/Debra Schwartz

Debra E. Schwartz
State Bar No. 631035

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